

BRIMFIELD TOWNSHIP ZONING COMMISSION

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PUBLIC MEETING

MINUTES of August 10, 2017 at 7:00 PM

Brimfield Town Hall Community Room – 1333 Tallmadge Road, Brimfield, Ohio 44240

Present: Chairman Ron Jones V.P. Gary Rodd Debbie Darlas
William Kremer Tom Sargent

Alternates: Pat Blair

Absent: Thomas Johnson

Staff Present: Dick Messner, Zoning Inspector
Wendi O’Neal, Assistant Zoning Inspector, Secretary of Board

Public Present:

Name	Company	Phone	Email
Cindi Moore	4322 Mogadore Rd	330.671.7064	

The Zoning Commission is called to order by **Chairman Ron Jones**, at 7:00 PM on **Thursday, August 10, 2017** at the Brimfield Township Town Hall.

Roll call:

Darlas: Here **Jones:** Here **Kremer:** Here **Rodd:** Here
Sargent: Here **Johnson:** Absent **Blair:** Here

MOTION #2017-26

William Kremer makes a motion to accept the Agenda as presented and was seconded by **Debbie Darlas**. Motion passes unanimously.

MOTION #2017-27

A motion is made by **William Kremer** to approve the June 8, 2017 and July 13, 2017 Meeting Minutes with a seconded from **Tom Sargent**. Motion passes unanimously.

PUBLIC COMMENTS:

Cynthia Moore – I hate to be the complainer but I have talked with Mr. Messner about this situation across from where we live. Cynthia Moore at 4322 Mogadore Road and its just getting worse instead of better.

Jones – Is that Helming’s field, you are talking about?

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Messner – Yeah, that's Helming's field.

Cynthia Moore – It's constant semi-trucks full of dirt, in and out all day. We've got so much dust we can't open up our house anymore. My husband's sneezing, he has been and I kind of think that's why it's happening. Just so much dust rolling, all the time and I just don't think it is right. I have to follow rules, why don't they? We were told you know that this was going to be light industrial, we had that big meeting and they said it would be enclosed in the building that you won't hear anything. This is far from light industrial.

Messner – They, bringing stuff in. The last time I talked to them, with Trey, they said they were bringing the dirt in, to grade it out and their plans are to put in a micro-mini storage building. But they haven't showed us...

Cynthia Moore – How long ago did they tell you that? Has anything happened?

Messner – They have been telling me that since...

Cynthia Moore – Yeah, hmmm. I mean I hate to be a complainer but I live there.

Jones – Yeah, we understand.

Cynthia Moore – We had a problem on Old Forge Road years ago and Mr. Messner sent us a letter; we took care of it that day. You know, if I got to follow the rules, why don't they? My neighbor next door bought a dump truck. Mr. Messner told him that he couldn't have it there because it wasn't commercial. He sold his dump truck. Now two doors down 12-14 dump trucks down there, in and out. Beep-beep all day long.

Messner – The Helmings.

Rodd – Trey.

Cynthia Moore – Beep-beep 5:30 in the morning over there dumping. Beep-beep-beep. I try to be a nice person but this is really getting on my last nerves. I hate to keep coming here and complaining but I'd like to get something done.

Jones – Well being industrial I'm not sure that there is anything that we can really do, that Mr. Messner can do. I think you've talked to him several times.

Messner – Talked to them several times on it and like I say last time I talked to them on it they were showing me a micro-mini storage area which means that the stalls are bigger than normal enough to handle RVs and boats and things of that nature.

Cynthia Moore – And I'm afraid dump-trucks.

Jones – Yeah, that's why he is bringing dirt in to fill that.

Messner – That's what they say.

Cynthia Moore – If they are carrying dirt in. They carry dirt out. They've got concrete thrown and stored over there. They got an old building that they just tore down. It's a dump is what it is. You know, I've lived there 26 years and I'm going to have to move.

Jones – Yeah, I understand.

Cynthia Moore – I'm sorry, somebody needs to, something needs to be done. They do whatever they want to do over there.

Sargent – Can I have your address again?

Cynthia Moore – 4322 Mogadore Road.

Darlas – Did they say how long it was going to take? How many years?

Messner – Well last time I talked to them, they said they were hopeful to get it done and graded out by the fall before the weather breaks.

Kremer – Well Helming was parking his trucks on Newton Street but he is no longer parking them there.

Messner – But he still owns; it the parking area there.

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Kremer – Pardon me?

Messner – He's still down there on Newton.

Kremer – He's not parking his dump trucks there anymore?

Cynthia Moore – No, they are next to us.

Messner – He moved back into behind the place where he has his dad's operation.

Kremer – What across the street?

Messner – No, over on Mogadore Road. And that place hasn't been empty for two years so its still legal non-conforming. You know you have two years before it reverts to whatever that zoning is in that area.

Sargent – You've lived there for 26 years? Has it always been heavy industrial?

Messner – Well I'd have to look in the old book to tell you the truth, to tell you what the old book was zoned on it. There was only four zoning districts in there and...

Cynthia Moore – I don't think it has ever been zoning heavy commercial; I looked it up.

Messner – I think it goes back to when Rhodes had all that land and they started developing it and the annexation took place on it. So all that land around it is Tallmadge industrial area and that whole area is tied in to coincide with the light industrial area to Tallmadge.

Darlas – Didn't it change when Rubbermaid came in? The zoning?

Messner – No...

Jones – No, not that part; that's just light industrial there.

Messner – That was just the Rubbermaid, just the Rhodes property.

Cynthia Moore – I just don't understand why they don't have to follow the rules and we do? Talking about that pool back there, has he ever put a fence around it? No! They've got apartments overtop where they have those commercial trucks, renting apartments. Are we allowed to have apartments on that road? I don't think so. I'm not allowed to put one in. I've tried to be nice about it but it's getting tough. Okay, I'm done.

Jones – Okay, thank you.

OLD BUSINESS:

- **Portage County Regional Planning Review**
 - **Section 308.01 Purpose: Revision**
 - **Section 308.02 Uses: Addition**
 - **Section 308.02.B.1.f: Deletion**

Messner – Okay, you have a three part form on the Town Center District and three amendments. The first copy is the one that you submitted. The second copy is the staff made recommendations to the commission. And the final copy is what the commission approved, which was the staff recommendations plus the adjustments that the commission made. That is your final copy and some of the changes are outlined in yellow. And going through on it and several of the trustees on the commission really study these things, regardless of where it is coming from whether its Paris or Windham or whatever or from Brimfield. And a couple things that they just thought to clean up the verbiage here and so forth on it. But one trustee when he was looking over and he got to the second amendment; you should have a copy of that, it's in the middle of the page. And that starts with, "within the Town Center Zoning District.." and one trustee said he found that kind of well he couldn't exactly pinpoint how it was relating back or tying back in. He thought there was an easier way of writing it. And except for the word solely on it, he literally rewrote the whole thing you looking at on it and this was a trustee from another

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township. And it looked good, the commission liked and so they made that recommendation as an amendment to the staff recommendations. And what it basically did on this thing is, "Within the T-C Zoning District, no building, structure or premises shall be used, arranged to be used or designed to be used solely as (was added on by regional planning) residential on parcels greater than five (5) acres and shall not occupy more than fifty (50) percent in acreage and/or building square footage (added on) except for two or more combination of the following uses," and the commission after debating that and looking at it for about 20 minutes felt that it pretty much clearly spelled out the intentions of that particular area on it. And the commission agreed with it, the staff agreed with it and that is the final one that was sent back to you for your review and any changes that you might want to add to it. And now you have the ability to send that to public hearings. The amendment three was just stricken out. So, the three amendments was the one or two changes in that, not much on this thing. The changes in the middle of amendment number two which is on 308.02 and then crossing off f and then changing the lettering to coincide with getting rid of the PRDs on it with amendment number three under conditionally permitted uses.

Kremer – With the real estate with the parcels that are five acres or more and not more than 50% can be residential how does that impact the existing code with no P.R.D. allowed verses P.R.D. allowed? What would be the difference between the two?

Messner – Standard development.

Kremer – Okay, but are we doing that strictly for density? Why are we doing that?

Messner – Consistence. Getting back to the three c's with the Town Center District. Compatibility, connectivity.

O'Neal – Say that again Bill.

Kremer – Okay, so if you take out the P.R.D., and I'm not nay or yay or one way or the other, I'm just saying that if you take it out what is the drawback or benefit from that?

Messner – Mixed district.

Kremer – Yeah.

Messner – Consistent with the rest of the Town Center District. You could put row houses in and put offices above it. Just like it was proposed back here.

O'Neal – You just couldn't have a purely residential development. That's about it.

Messner – Right, can't be a purely residential development.

Kremer – Well yeah, of course and yeah, we can't do that there.

Messner – Well that takes the P.R.D. out of the formula right there.

O'Neal – That's it really.

Messner – Remember we talked about neighborhood development, and go back to P.U.D.s something of that nature.

Kremer – Yeah.

Messner – But with the way that you've got this worded, just ties the whole town center together.

Kremer – Okay.

Messner – It just eliminates that 70 acres from being all residential.

Jones – Gary, Debbie, Tom any comments? Okay.

Blair – I have a question, that staff comment that came from the county office?

Messner – Yeah. That second page is the one the staff drafted and recommended approval through the commission. When it goes before the commission at the 4:30 meeting, the staff gives their report and they gave their report on it and then after it is seconded it is open for conversation. Well we have some trustees over there, I don't care where it is they spend hours

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on these things going through. And it just so happens the individual that went through this is a trustee at a township and he went through it and he said I see what you are trying to do but he got over in this second area and he wrote this out, and he read what was on the original and he was looking back at the one that the staff did. And then he actually turned down and wrote this on his, the one he got, and he read it out loud and turned it over to the staff and they looked at it and everything else and the commission looked at it. Looking at the original sent in and the staff one and they felt that this more clearly spelled out in a simpler term and the average person doesn't know what they are looking at in the zoning resolution anyhow. And then the staff added 'solely as' and took out I think there was a number one or two in there; 'solely as' is pretty specific.

Blair – I guess my question was that it is not unusual for them to add staff comment in the middle of a resolution?

Messner – No. The staff would do it. I would say that it's not unusual but it's not common either.

Blair – But they don't want us to include this? This section? This comment isn't going to be included?

Messner – What you got on that third one, the yellow is what was recommended and what has been approved by the commission for recommending to the commission.

Blair – So amendment two is just a working copy?

Messner – Amendment two is what they recommend for approval.

Blair – Okay. So where it says staff comment is that included in the finalized words?

Messner – No, that's "our rpc board recommends the follow," you can take that out.

Blair – Right, so all that comes out?

Messner – You are just looking at from "within" to "uses" that's the motion.

Blair – Okay.

Jones – I think you are right, as it does tie it all in. It makes it a little bit plainer than what we had.

Darlas – Yes.

Messner – You've got 24 people sitting there, and out of the 24 probably 18 are trustees from big, small and medium townships. And a lot of them are really in to it.

Jones – So if there isn't any further objections, we can go ahead and pass this to send it on to the trustees.

Messner – And on that third copy, you have to clean up the verbiage like you have to take out the top one that is still in there and you have new ones added into it. Just have to retype it and have your public hearings.

Jones – Is there any other discussion? Any others? Everybody's in agreement?

MOTION #2017-28

A motion is made by **William Kremer** to approve the amendments as recommended and approved by the Portage County Regional Planning Commission, seconded by **Debbie Darlas**. Motion passes unanimously.

Zoning Commission Public Hearing for amendments listed above is scheduled for Thursday, September 14, 2017 at 6:30 pm at the Brimfield Township Town Hall. Referenced amendments

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will be available for review Monday-Friday, 8AM to 4PM at the Brimfield Township Town Hall Zoning Department.

NEW BUSINESS: None

GOOD OF THE ORDER:

Messner – Just would like to say that this is my last meeting. And with the situation and the health situation that has kicked up in my household it's just. Originally, I was thinking about going to the end of the year and then probably about March or April things changed. And then with coinciding with the retiring of Keller, the Trustees figured that maybe it was a good time to merge the job. And it's actually a good time for me to get out. Quite honestly, I was seriously thinking about leaving last month. I will go out at the end of August. I've also submitted my resignation and retirement from Regional Planning. They didn't accept it; they will accept it. We've got a couple special meetings coming up that I will attend stuff going with a couple of cities that we are working with. My involvement might stretch past, well it will end by the end of August. If I do anymore work over there, it is going to be on a volunteer basis.

Jones – Will there be anybody at the next meeting that will be taking your place other than us and Wendi?

Messner – You know Ron I have heard ten different stories and I will tell you the last month I haven't been privy to any one of them. They've been bypassing me on everything. I can't tell you, I don't know. I've heard one story....

Jones – Any other business?

Rodd – This is my last meeting.

Darlas – Really, how come?

Rodd – I've got too many things going on. That is my little letter of resignation and the book.

Cynthia Moore – Well I came to a very depressing meeting!

O'Neal – Well thank you for making us laugh!

Sargent – How many years for you Gary?

Rodd – I have no idea! 11 or 12? I have no idea. It's time for somebody new.

Messner – There are lot of years piled up between the three of you! In fact, I was talking with Ron before and Ron goes back to Hudkins.

Jones – So does Gary and Bill.

Messner – If it wasn't for Hudkins, I don't think I would have made it through those three years. So what we would be looking at is that we have alternates, the first and second. Would take the first alternate in progression, Ron.

Jones – Yes. So, we will be moving Tom Johnson on to Board.

Kremer – We haven't done anything with the medical marijuana, have we?

Messner – No. And if you remember years ago, we wrestled around some verbiage on how to handle it and I think it goes back well before the games. And I stumbled across something from another area, I don't even know if it was in the state of Ohio and it was very simple. We put in it two sections of our book, Section Five and Section Ten; that if it is not listed in the definitions or anywhere in the book then it is prohibited until such time that it comes under the review of the Zoning Commission or the BZA. BZA first for an opinion. And most cities have that and in fact several cities have just adopted ordinances to that effect, saying that if it doesn't show marijuana anywhere in their ordinances than it is prohibited. Stow just did it. So ours is covered, a lot of

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the townships are covered when we did that, a lot of townships did it. The only ones that are interested in Portage County is Ravenna Township, they're looking at wicks lumber with a potential prospect putting up his money for one of the 24 that they are giving. But just about everybody is marking time to see what happens with the legislature and see what they come up with that looks better. We've got one here as you guys know that is interesting in selling.

Jones – It will be interesting to see because the state is allowing it but it is still against the federal laws.

Messner – The only thing if you get it, honestly, and there's one guy out there looking at it. Remember when we did the electronic signs, the stuff as to so far away from residential property, so far away from schools, churches, parks, and so forth. Keep that in the back of your mind, because if it goes in to you would want to put the same thing in there with so many feet away from schools, so many feet away from schools, parks and residential properties. Almost the same as we put in for the electronic signs, the billboard signs. And I think that is probably going to fall into with some of the state regs eventually.

O'Neal – The state, there are regulations for the distance like it has to be 500 ft. from a park, and schools.

Kremer – Could the state force us to provide an area for that?

Messner – The only thing that I can think of with the one that I saw for Ravenna Township and I think you got it. They put theirs in a commercial district and an industrial district; one is conditionally permitted, one is permitted. What they are probably going to do is maybe handle it like adult entertainment. You are going to have to put it somewhere and like ours we stuck it in the industrial district.

Sargent – So the one that is talking about coming into Brimfield, do you know what the basis of the business was or was it just selling pot? It was medical?

Darlas – It was medical.

Jones – Just to sell it, medical. Editable and oils.

Messner – That individual comes in with changes all the time. He called in here last week and he is back talking about the micro mini-storage again. So, who knows.

SET NEXT MEETING:

Thursday, September 14, 2017 at 6:30 PM for the public hearing, following at 7:00 pm is the next set regular scheduled meeting at the Brimfield Township Town Hall.

MOTION #2017-29

A motion was made by **Tom Sargent** to adjourn the **August 10, 2017** at 8:15 PM, seconded by **Gary Rodd**. Motion passes unanimously.

Chairman Ron Jones

Vice Chair Gary Rodd

Debbie Darlas

William Kremer

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Tom Sargent

Secretary Wendi O'Neal

Alternate Thomas Johnson

Alternate Patrick Blair